IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

W.P.(C).No. 17153 of 2007(P)

PETITIONER:

DR.R.SUNILKUMAR, LECTURER, DEPARTMENT
OF ZOOLOGY, CATHOLICATE COLLEGE, PATHANAMTHITTA.

BY ADV. SRI.BABU VARGHESE

RESPONDENTS:
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1. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYADARSHINI HILLS.P.O., KOTTAYAM.

2. THE STATE OF KERALA, REPRESENTED BY
ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, P.M.J.JUNCTION,
THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOTTAYAM.

5. THE MANAGER, CORPORATE MANAGEMENT
OF MALANKARA ORTHODOX COLLEGES,
DEVALOKAM, KOTTAYAM.

BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON 09/08/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the University order grating approval to the initial appointment dated 14.5.1997.

Ext.P1(a): True copy of the University order of approval to the shifting of the petitioner dated 19.5.1999.

Ext.P1(b): True copy of the University order of approval on reappointment dated 27.10.97.

Ext.P1(c): True copy of the University order of approval granted to the petitioner dated 24.12.2005.

Ext.P2: True copy of the University order of approval gratned to the petitioner on his re-appointment dated 20.5.2003.

Ext.P3: True copy of the judgment in O.P.No.21268/02 dated 26.3.03.

Ext.P4: True copy of the statement of work load of K.G.College Pampady, assessed in post Adalath revised dated 16.10.2003.

Ext.P4(a): True copy of the statement of work load of Catholicate College, Pathanamthitta assessed in post Adalath revised dated 16.10.03.

Ext.P4(b): True copy of the Statement of Work load of Baselious College, Kottayam assessed in post Adalath revised dated 16.10.2003.

Ext.P5: True copy of the statement of workload submitted in respect of K.G.College, Pampady for the year 2003-04. with staff list.

Ext.P5(a): True copy of statement of workload submitted in respect of Catholicate College, Pathanamthitta for the year 2003-04, with staff list.

Ext.P5(b): True copy of the statement of workload submitted in respect of Baselius College, Kottayam for the year 2003-04, with staff list.

Ext.P6: True copy of the order of transfer issued to the petitioner dated 17.5.05.

Ext.P7: True copy of the judgement in W.P.(C)No.482/05 dated 12.8.05.

Ext.P8: True copy of the proposal submitted by the Manager regarding re-appointment of the petitioner to the University dated 27.6.2003.

Ext.P8(a): True copy of the reply given by the university dated 27.6.06.

Ext.P9: True copy of the Act 2 of 2005 published in the Gazette dated 9.3.05.

Ext.P10: True copy of the order of approval granted by the university to certain teachers, dated 29.10.2005.

Ext.P11: True copy of the relevant portion of the Syndicate decision taken in respect of Anitha Thomas.

Ext.P12: True copy of the letter issued to the petitioner appointing him as Examiner dated 26.3.2005.

Ext.P12(a): True copy of the letter issued to the petitioner appointing him as Examiner dated 13.3.2005.

Ext.P12(b): True copy of the letter issued to the petitioner appointing him as Examiner dated 2.1.2007.

Ext.P12(c): True copy of the letter issued to the petitioner appointing him as examiner dated 21.3.2007.

Ext.P13: True copy of the letter sent by the Principal to the Govt. Secretary dated 11.1.05.

Ext.P14: True copy of the representation submitted by the Principal dated 21.8.06.

// True copy //

P.A. to Judge

A.K.BASHEER, J.

W.P.(C)No.17153 OF 2007

Dated this the 9th day of August, 2007

JUDGMENT

Petitioner claims that she was appointed as Lecturer in Catholicate College, Pathanamthitta under the management of respondent no.5 in different short spells of leave vacancies which arose between December 20, 1995 and May 31, 2001. She further claims that all these appointments were approved by the University. She had been paid salary also except for the period from June 1, 2000 to May 31, 2001.

2. It is contended by the petitioner that she had been reappointed in the college with effect from June 2, 2003 and she is even now continuing. Her grievance is that her appointment is not being approved by the University. Ext.P2 is stated to be the order of appointment dated May 20, 2003 and Ext.P8 is the proposal for approval of appointment forwarded by the management to the University.

3. In response to Ext.P8, the University had informed the Principal of the College that approval for appointment of

the petitioner “can be considered as and when the post is sanctioned by the Government”.

4. Learned Standing Counsel for the University submits that no action was taken on the request for approval of appointment of the petitioner in view of the amendment brought in to Section 59(1) of the M.G. University Act and also the directions issued by the Government in this regard. However, he further submits that all the proposals for appointment pending before the University will be taken up for consideration in a time bound manner in the light of the judgment rendered by a Division Bench of this court in W.A.940/07 and connected cases. The above submission is recorded.

5. In the above facts and circumstances, the writ petition is disposed of with a direction to respondent no.1 to take a decision on Ext.P8 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. It will be open to respondents 3 and/or 4 to raise

their contentions, if any, with regard to the approval as provided under the Act and the Statutes, if they are of the view that approval is not to be granted. If in case the University grants approval, respondents 3 and/or 4 shall ensure that petitioner is granted all consequential benefits from the date of her appointment expeditiously.

Writ petition is disposed of in the above terms.

A.K.BASHEER, JUDGE

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